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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|--------------------|-------------------------|---------------------|------------------|
| 10/572,664 | 03/20/2006 | Jonathan Robert Rhoades | 3717519.00043 | 4631 |
| 29157 K&L Gates LLP P.O. Box 1135 CHICAGO, IL 60690 | 7590 02/25/2010 | | | |
| EXAMINER | | | | |
| OLSON, ERIC | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 1623 | | | | |
| NOTIFICATION DATE | | DELIVERY MODE | | |
| 02/25/2010 | | ELECTRONIC | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Detailed Action

This office action is in response to Applicant's amendment submitted January 28, 2010 After Final.

3. Applicant's amendment, submitted January 28, 2010, will not be entered because it creates new issues for search and consideration. Specifically, the amendment adds a new limitation to claim 31, that the composition comprises a caloric content of less than about 1000 kcal. This limitation was not present in any of the claims as previously searched in the previous office actions, and adds a significant new limitation to the claims which must be searched if the amendment were entered. Therefore the amendment will not be entered after final.

11. Applicant's request for reconsideration submitted January 28, 2010, has been fully considered and not found to be persuasive to remove the rejections of record in the final office action of January 4, 2010. All of the arguments presented by Applicant are dependent on the entry of the amendment submitted January 28, 2010. As this amendment has not been entered, the rejections are deemed proper and maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC S. OLSON whose telephone number is (571)272-9051. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia Anna Jiang can be reached on (571)272-0627. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric S Olson/
Examiner, Art Unit 1623
2/22/2010